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RUEHNR/AMEMBASSY NAIROBI PRIORITY 0104
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SENSITIVE
SIPDIS

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [PINR](#) [ECON](#) [EAID](#) [CT](#)
SUBJECT: CAR NATIONAL DIALOGUE - FIRST COMMISSION RESULTS BOLD, BUT
OUTCOME UNCERTAIN

REF: BANGUI 236

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¶1. (SBU) SUMMARY: On Tuesday, December 16, the Political Issues and Governance Commission of the CAR's National Dialogue presented a series of recommendations to Dialogue Chair and former Burundian President Pierre Buyoya. The resolutions included the creation of an ad hoc committee of Central African and international experts to revise and review the current electoral code, the resubmission of the High Council of Magistrates Law to the National Assembly, a limitation on Ministerial portfolios preventing the President from also acting as Minister of Defense, an audit of major Government Ministries overseeing commercial sectors, and most notably, the creation of a government of National Unity following the close of the Dialogue. Despite the verbal assent to the Commission's recommendations by President Bozize, the GoCAR has remained relatively fixed in its defense of its previous actions during the Dialogue process. Post believes that a Cabinet reshuffle is certainly in the works for the end of the Dialogue, but that it may not / not represent all or even many of the parties at the Dialogue. END SUMMARY

¶2. (U) On Tuesday, December 16, the Political issues and Governance Commission of the CAR's National Dialogue finished their recommendations related to political and governance issues previously identified by the Dialogue's preparatory committee. These recommendations sprang from the consensus that developed from the last week's discussions on this commission. Major recommendations include:

ELECTIONS

¶3. (U) The Commission recommended the creation of an ad hoc committee made of delegates from the inclusive political

dialogue, assisted by international experts to review the current electoral code and to adapt/conform it to the 2004 Constitution. This review is to be followed by the creation of an Independent Electoral Commission that will be in charge of the coming 2010 municipal, legislative and presidential elections.

RESPECT FOR THE CONSTITUTION

14. (U) In its work, the commission discussed specific cases in which the constitution was violated by the current regime. The most recent example was the promulgation of the Law reorganizing the High Council of Magistrates. A draft of the controversial law, which was severely criticized by the magistrates' association, was referred to the Constitutional Court for a review of its constitutionality. The Constitutional Court declared that some provisions of this law were unconstitutional. Instead of sending the draft of this law back to the National Assembly for a second review, President Bozize signed the law on October 16, 2008.

15. (U) After a long and passionate debate opposing government representatives and opposition parties backed by civil society representatives, the dialogue recommended that this law be sent back to the National Assembly in order to respect established procedures. Other recommendations adopted include:

- Immediate establishment of the High Council of Justice
- Immediate limitation on dual mandates, in light of President Bozize's dual role as President and as Minister of Defense
- Strict respect of the separation of powers as provided by the 2004 Constitution
- Respect of the constitutional provision requiring that high ranking officials declare their properties

GOVERNMENT

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16. (U) In its most significant decision, the commission recommended the formation of a new Cabinet where all entities participating in the inclusive political dialogue would be represented. This cabinet's missions will be:

- To restore peace and security in the country
- To promote reconciliation among Central Africans
- To promote and reinforce democracy
- To promote economic and social development
- To implement inclusive political dialogue recommendations

GOOD GOVERNANCE

17. (U) The commission recommended audits by independent experts of the following sectors, including the Government Ministries overseeing these sectors:

- Financial sector including the Custom Services, Tax Division and Treasury
- Mining, Forestry and Petroleum sectors, and the Ministry of Mines and Energy
- Telecommunications, especially licensing to cellular companies and the management of the country's internet infrastructure

PROMOTION OF WOMEN

18. (U) In addition to promoting women's participation in the decision-making process, the commission recommended the implementation of a 2005 law which recommended that women constitute 30% of government offices and major political parties. The commission also returned to another 2005 law which allowed for public funding for political parties, including opposition parties in CAR, and guaranteed their access to public media outlets.

FOLLOW-UP FOR THE DIALOGUE

¶9. (U) Finally, the commission recommended a follow-up mechanism through the setting up of a Follow-up Committee of the inclusive political dialogue recommendations. This follow up committee will be made of representatives from the inclusive political dialogue, as well as international partners such as the UN, European Union, Economic Commission of Central African States, CENSAD, CEMAC and the ad hoc Committee for Central African affairs. The Follow-up Committee's goal would be the tracking and implementation of the inclusive political dialogue's recommendations.

¶10. (SBU) COMMENT: The call for a Government of reconciliation and national unity marks the single strongest appeal within the Commission's work, and was seconded by President Bozize himself in the media the following day. In addition, the commission's recommendation that the Government resubmit the Magistrate's law reform to the National Assembly constitutes a rebuke for the GoCAR and specifically Minister of Justice Thierry Maleyombo, who had pushed the law despite concerns on all sides. Nonetheless, the Commission's recommendations remain just that, recommendations, and the President's agreement to a National Unity Government remains a conciliatory agreement that has not yet been put into action.

¶11. (SBU) Most observers in Bangui now expect a Cabinet reshuffle following the end of the Dialogue, on December 22, but some have speculated that the President's circle is likely to grow smaller, not larger. While change looms on the horizon for the GoCAR, President Bozize and his supporters continue to publicly support the Dialogue while also vocally defending the

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GoCAR at every debate inside the chamber and without revealing any new plans or thoughts. Though the rebel groups present at the Dialogue have presented some claims as to the reasons for their rebellion, none have shown the political acumen demonstrated by former President Patasse in his opening day speech. The opposition, in particular, shocked some with a vehement speech on the Dialogue's second day that called for the President's immediate resignation. Whether these groups can be reconciled together into a coalition government remains to be seen. END COMMENT
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